THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 5278, 5992, 6106, 6862 and 8090 of 2006

Common order:

In this batch of five writ petitions, the petitioners, who are working as Conductors in Pandit Nehru Bus Station, Vijayawada, have called in question the orders dated 26.02.2006, passed by the Regional Manager, APSRTC, Vijayawada Region, transferring them to City/Rural Divisions of Vijayawada Region.

It is the contention of the petitioners that earlier they were working in Rural Divisions of Vijayawada Region, and as they were suffering from various ailments, they requested the respondents to transfer them to Urban Division and post them in a stationary post, and as they agreed to forego their seniority in the Rural Divisions and take the last rank seniority in the Urban Division, the 2nd respondent acceding to their request, transferred them to City Division and posted them at Pandit Nehru Bus Station. While so, it is the case of the petitioners that the 2nd respondent vide the impugned proceedings dated 26.02.2006, sought to transfer them from Pandit Nehru Bus Station to City/Rural Divisions of Vijayawada Region.

The learned counsel for the petitioners submits that since the 2nd respondent acceding to the request of the petitioners on health grounds, has transferred them from Rural Divisions to Pandit Nehru Bus Station on their agreeing to forego seniority in the Rural Divisions and take the last rank at the City/Urban Division/transferred place, the 2nd respondent could not have issued the impugned proceedings transferring the petitioners from City/Urban Division to City/Rural Divisions of Vijayawada Region.

The learned Standing Counsel appearing on behalf of the respondents-APSRTC contended that due to exigency of services and operational requirements, the 2nd respondent transferred the petitioners to other Rural Divisions of Vijayawada Region. He submitted that by reason of the transfer of the petitioners, they are not losing their seniority in Vijayawada Region nor are they suffering any monetary loss.

Since the petitioners were transferred to City/Urban Division and posted in stationary posts, on their agreeing to lose their seniority in the Rural Divisions and take the last rank in the transferred City/Urban Division, and having regard to the fact that such transfer was made on health grounds, the learned Standing Counsel for the respondents agreed that the 1st respondent be directed to re-examine the cases of the petitioners and consider the feasibility of accommodating them in stationary posts within City/Urban Division, keeping in view the availability of posts and the seriousness of the ailment suffered by the petitioners. The learned counsel for the petitioners expressed no objection for such a course.

Having heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents-APSRTC, and having regard to the agreed stand taken by them, I deem it appropriate to dispose of the writ petition with the following directions:

The 1st respondent, namely the Regional Manager, APSRTC, Vijayawada, shall keeping in view the fact that the petitioners were transferred to the present place on medical grounds and on their agreeing to lose seniority in the Rural Divisions and take last rank at the transferred City/Urban Division, reconsider the cases of the petitioners for accommodating them in City/Urban Division of Vijayawada Region in stationary jobs, in the light of the medical

reports and the seriousness of the ailment suffered by the petitioners and availability of vacancies, and pass appropriate orders. Till such reconsideration takes place, status quo obtaining as on today shall be maintained.

With the above directions, the writ petitions are disposed of. No costs.

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N.V. RAMANA, J.

Date: 29th June, 2006.
KSR